

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44421-2016 (O&M)

Date of decision: August 16, 2017.

Balvir Kaur and another

... **Petitioners**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri S.S. Ranghi, Advocate for the petitioner(s).

Shri Ramandeep Singh Sandhu, Sr. Dy. AG, Punjab.

Ms. Amanpreet Kaur, Advocate for the complainant.

A.B. Chaudhari, J. (Oral):

Heard learned counsel for the rival parties.

The petitioners seek anticipatory bail in FIR No.154 dated 11.10.2016, under Sections 420, 120-B IPC, registered at Police Station Dirba, District Sangrur. Following reasons have been recorded by the trial court while rejecting the prayer for anticipatory bail, which I quote hereunder:-

“Complainant has duly proved transfer of Rs.12.49 lakh in the account of accused. Though accused had joined the investigation, but not a single penny has been recovered from her. Contention advanced by the learned counsel for the accused that complainant resided with accused Harpreet Kaur at Patiala for several months and maintained physical relations with her on the pretext of solemnizing marriage with her cannot be accepted at this stage of the case. Accused will have the liberty to adduce the evidence to prove the said allegations in the defence evidence. Though learned counsel for the accused submitted that accused returned the amount of about Rs. 10 lakh out of amount of Rs.12.49 lakh but accused

failed to prove any receipt or document to prove the return of the said amount. Moreover, complainant has produced the copy of passport of his son on the file. ...”

Perusal of the above facts clearly shows that the amount of Rs.12.49 lacs has not been repaid by the petitioners to the complainant. Intention of the petitioner appears to be not to repay the amount. However, this Court made a specific order on 17.4.2017 asking the counsel for the petitioners to seek instructions as to whether the petitioners want to repay the amount to the complainant. However, the Learned counsel for the petitioners has no instructions. In that view of the matter and looking to the prima facie case against the petitioners, petition for grant of anticipatory bail is rejected.

Submissions made by Learned counsel for the petitioner cannot be considered at this stage.

August 16, 2017.

kadyan

[A.B. Chaudhari]
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No`~~~~~`